

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_  
OTHMAN IBELA,

Write the full name of each plaintiff.

18 cv 495

(Include case number if one has been assigned)

-against-

Do you want a jury trial?

☒ Yes ☐ No

THE DALTON SCHOOLS, INC d/b/a THE DALTON  
SCHOOL, MG SECURITY SERVICES LLC

Write the full name of each defendant. The names listed  
above must be identical to those contained in Section I.

*Amended*

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>2/21/18</u>

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

S.D. OF N.Y.

2018 FEB 21 PM 12:02

RECEIVED  
CLERK OF COURT  
SOUTHERN DISTRICT OF NEW YORK

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

OTHMAN Ibela  
 First Name Middle Initial Last Name  
151-20 Brisley Blvd # 226  
 Street Address  
Jamaica, Queens NY 11434  
 County, City State Zip Code  
347-303-4270 motherlandcorporation@gmail.com  
 Telephone Number Email Address (if available)

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1: The Dalton schools, INC d/b/a the Dalton school  
 Name  
108 E 89th street  
 Address where defendant may be served  
New York NY 10128  
 County, City State Zip Code  
 Defendant 2: MG security services LLC  
 Name  
133 West 25th street # 8W  
 Address where defendant may be served  
New York NY 10001  
 County, City State Zip Code

Defendant 3:

Name

Address where defendant may be served

County, City

State

Zip Code

**II. PLACE OF EMPLOYMENT**

The address at which I was employed or sought employment by the defendant(s) is:

*The Dalton Schools, INC d/b/a the Dalton School*

Name

*108 E 89<sup>th</sup> street*

Address

*New York**NY**10128*

County, City

State

Zip Code

**III. CAUSE OF ACTION****A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☒ **Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin**

The defendant discriminated against me because of my (check only those that apply and explain):

☐ race: \_\_\_\_\_☐ color: \_\_\_\_\_☒ religion: *Refusal to accommodate time off for Islamic prayer*☐ sex: \_\_\_\_\_☐ national origin: \_\_\_\_\_

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: \_\_\_\_\_

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: \_\_\_\_\_

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

**B. Other Claims**

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☒ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law):

\_\_\_\_\_

#### IV. STATEMENT OF CLAIM

##### A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☐ harassed me or created a hostile work environment
- ☐ other (specify): \_\_\_\_\_

##### B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

Please see attach pages

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

## V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge?

07/25/2017

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice?

08/31/2017

When did you receive the Notice?

09/07/2017

☐ No

## VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

As a result I suffered and I will continue to suffer a future pecuniary losses back pay and front pay, emotional pain, suffering, inconvenience, injury to reputation, loss of enjoyment of life...

**VII. PLAINTIFF'S CERTIFICATION**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

02/20/2018  
 Dated  
 Othman  
 First Name  
 Middle Initial  
 Last Name  
 151-20 Baisley Blvd # 226  
 Street Address  
 Jamaica, Queens NY 11434  
 County, City State Zip Code  
 347-303-4270  
 Telephone Number  
 motherlandcorporation@gmail.com  
 Email Address (if available)

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☐ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

### CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

#### Civil case(s) filed in the Southern District of New York:

**Note:** This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Othman Ibela v. the Dalton schools, INC a/b/a the Dalton  
school, MQ security services LLC

Name (Last, First, MI)

151-20 Baisley Blvd #226, Jamaica, Queens, NY 11434  
Address City State Zip Code

347-303-4270  
Telephone Number

motherlandcorporation@gmail.com  
E-mail Address

02/20/2018  
Date

Othman Ibela  
Signature

#### Return completed form to:

Pro Se Intake Unit (Room 200)  
500 Pearl Street  
New York, NY 10007



1) My name / age / national origin / How I came to America;

⇒ My name is Othman Ibela, I was born in GABON (Center West Africa), I am 37 years old, I came in USA to continue my education in order to obtain my doctorat in medecine.

2) When I was hired;

⇒ I was hired 03/07/2016; (Exhibit A) but I started to work on 03/10/2016; (Exhibit B).

3) Who hired me;

⇒ Mr Luis Rivera

4) What was my responsibilities;

⇒ I was hired as security officer my Responsibilities was to ensuring the safety and security of all Visitors and property.

5) What was the initial agreement for religious accommodation - What was the understanding for Friday schedule;

⇒ I spoke Verbally to Mr Luis Rivera Concerning Friday off, I explained to him that Friday is the day that over Billion of Muslims around the world gathering together to worship God, but Mr Luis Rivera respond that; " He was training me and



IBELA OTHMAN

Security Officer

CON ED SECURITY

UID #: 10013234900

Hire Date: 3/7/2016



when I will have an permanent schedule; I will be able to request for Fridays off ..."  
 during my first week of training I did not work Fridays  
 (Exhibit C)

6) Who (name/title) approved my religious accommodation,

➔ After my training I was transfer to another account Manager Mr Patrick Buellette who approved my religious accommodation and gave me permanent schedule (Exhibit D), despite that my religious accommodation was approved by Mr Patrick Buellette; they continue to force me to work Fridays; (Exhibit E).

7) Dates that I worked for Whitney;

➔ I believe that I start to work for Whitney Museum around 02/29/2016 to 10/17/2016

8) Date that I was assigned to Dalton:

➔ I believe that I was assigned at Dalton on 10/17/2016

9) Why I was assigned to Dalton:

➔ According to My security I was one of the best worker (Exhibit F) and My Security knew I am able to pass the background check

(Exh. c)

(Exhibit c)

Employee file #		Employee Name		Check No.		Company Name & Address		(212) 242-6477	
MG222		OTHMAN IBELA		1002440		MG SECURITY SERVICES LLC			
NY		CLARKS		NY - SECURITY OFFICERS		133 WEST 25TH STREET			
4/11/16		4/24/16		SUITE 8W		NEW YORK, NY 10001			
Period Start		Period Ending		Check Date					
ST= S 1		ST= S 1							
Sec. Sec. #									
EARNINGS		TAXES		DEDUCTIONS		NET PAY		\$333.90	
\$384.00		\$50.10		\$0.00					
REGULAR		8.00		12.000		\$96.00		\$64.17	
ADJUSTMENT		24.00		12.000		\$288.00		\$15.01	
TRAINING								\$25.94	
								\$3.92	
								\$5.37	
								\$1.20	
								\$3.86	

# MG SECURITY SERVICES SCHEDULE FORM

Security Officer Name: Othman Ikela

Cell: 347-363-4270

Rate: \$ 10/hour

Date: 5/5/16

Site Name: Whitney Museum Address: 99 Gansevoort St Cross Streets

Closest Train/Bus

This schedule is: ☒ Permanent ☐ Temporary ☐ Part Time ☐ Full Time TRAINING PAY RATE \$  
LISTED BELOW IS YOUR ASSIGNED SCHEDULE AND THE BASIC RULES AND REGULATIONS THAT ARE TO BE FOLLOWED AT ALL TIMES AS EMPLOYEES OF MG SECURITY.

TRAINING ONLY	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total Hours
DATE								
SHIFT								
WORK LOCATION	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	Total Hours
	10a-6p	-	10a-6p	10a-6p	10a-6p	-	10a-6pm	32

*Black suit, white shirt, black shoes*

133 West 25<sup>th</sup> Street Suite 8W  
between 6<sup>th</sup> and 7<sup>th</sup> Avenue  
New York, NY 10001  
Office Hours: Mon-Fri 9am-5pm  
Office Number: 212-242-6477  
Fax Number: 212-242-2988

Report to: **Account Manager Patrick Ouellette**  
Phone Number: **917-887-5969**

1. ANY OFFICER WHO IS UNABLE TO REPORT FOR HIS OR HER SCHEDULED TOUR OF DUTY MUST ADHERE TO THE CALL-OUT RULE OF AT LEAST 4 HOURS NOTIFICATION PRIOR TO THEIR SCHEDULED SHIFT.
2. ALL OFFICERS ARE TO REPORT TO HIS OR HER SCHEDULED TOUR OF DUTY ON TIME.
3. NO OFFICER CAN MAKE ANY CHANGES IN HIS OR HER SCHEDULE WITHOUT PRIOR APPROVAL FROM THEIR MANAGER.
4. IF YOU HAVE ANY PROBLEMS WITH YOUR SCHEDULE, CO-WORKERS, OR SUPERVISOR YOU ARE TO DIRECT ANY COMPLAINTS TO YOUR ACCOUNT MANAGER NOT THE CLIENT.
5. SIGN IN AND OUT AT CORRECT POST AND TIME INDICATED ON THE TIME SHEETS.
6. ANY OFFICER WHO DOES NOT WAIT FOR THEIR RELIEF OR DOES NOT REPORT FOR THEIR SCHEDULED TOUR OF DUTY WILL BE SUBJECT TO DISCIPLINE UP TO AND INCLUDING DISMISSAL.
7. THE PAY PERIOD STARTS ON MONDAY AND ENDS ON SUNDAY. CHECKS ARE DISTRIBUTED ON FRIDAYS.

MY SIGNATURE BELOW INDICATES THAT I HAVE READ, UNDERSTAND AND ACCEPT THE SCHEDULE ASSIGNED TO ME.

EMPLOYEE SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

MANAGER VERIFIED \_\_\_\_\_

*(Signature)*

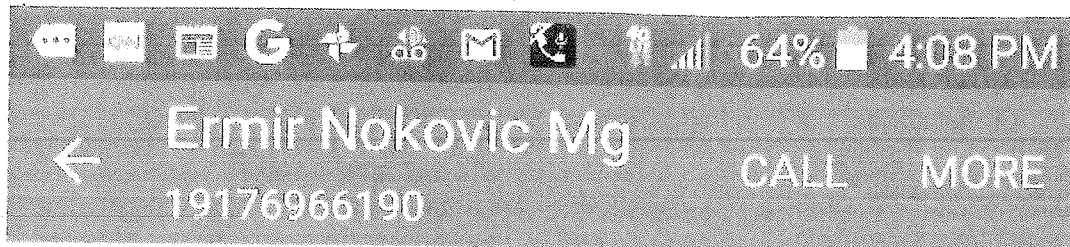
MY SIGNATURE BELOW INDICATES THAT I AM UNABLE TO ACCEPT THE SCHEDULE ASSIGNED TO ME AND I UNDERSTAND THAT I WILL BE REMOVED FROM THE ACTIVE EMPLOYEE LIST.

EMPLOYEE SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_

MANAGER VERIFIED \_\_\_\_\_





Sunday, May 8, 2016

Dear brother Ermir, I  
would like to inform you  
concerning my  
schedule, I will be  
working from Sunday to  
Thursday, and I will be  
off Friday, Saturday and  
Tuesday ...

11:51 AM

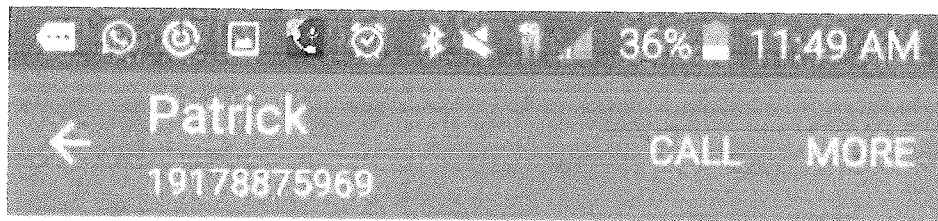
Othman

11:52 AM

Sunday, June 19, 2016

Ermir this is Othman,  
please come on the 5th  
floor it's emergency, I  
really need you here,  
please ...

12:29 PM



No problem

6:14 PM

Tuesday, May 10, 2016

Good morning sir, I  
arrived at the site at 9  
am ...

Othman Ibela

9:34 AM

I am off duty since 1700,  
OTHMAN IBELA

5:57 PM



I heard good things about  
you today. Nice work

5:59 PM

Thank you sir ...

6:00 PM



20170722-WA0007.jpg





10) When I was told that I was on schedule for Fridays;

→ On my first day at Dalton I was told that I was on schedule for Fridays; (Exhibit G)

11) When did I request accommodation for Fridays;

→ During my first day at Dalton I requested for accommodation for Fridays

12) When they refused accommodation for Fridays;

→ They refused accommodation for Fridays during my first day; during the end of my first week and during my second week

13) When/How was I fired/Who fired me/and what reasons they gave me;

→ I was fired during my second week at Dalton on or about October 27, 2016; I went to see the Director of security at Dalton Mr. Luis A. Despaigme and I requested Fridays off; Mr. Despaigme refused my request, and decided to fire me, after I was fired from Dalton school. I placed numerous phone calls to Mr. security in order to inform him of my situation, However, no one from him returned my phone calls (Exhibit H)

OTHMAN IBELA,

Weekly Schedule

- At **1100** hours start your shift at the Gym and relieve Muiyiwa for meal.
- Upon Muiyiwa's return from meal walk over to Big Dalton (89<sup>th</sup> Street) and help out with meal relief and/or play street. Also, take your meal during this time.
- At **1415/20** hours exterior patrol for walkover to Gym.
- Remain at Gym until 1500 hours and make sure that any buses leaving for athletic events do so without incident.
- At **1500** hours head out for exterior patrol on 87<sup>th</sup> Street between Lexington and Third Avenue. Remain on post from **1515** hours to **1645** hours.
- At **1645** hours return to the Gym.
- At **1700** hours your tour will end.
- On Thursdays and Fridays start your shift at **1000** hours at Big Dalton for 6<sup>th</sup> Grade boys' walkover to the Gym.
- ~~On Saturdays begin your shift at Big Dalton at 0800 hours.~~ At **1530** hours make your announcement over the P.A. system and begin your building check from top to bottom.
- End your shift at **1600** hours at Big Dalton.

The schedule above will be followed unless you receive additional instructions from myself. In that case your shift will be adjusted to accommodate the needs of the school. Any questions please notify me immediately.

Thanks,

Luis A. Despaigne  
Director of Security



Thursday, October 27, 2016

Boss, good morning,  
could you please tell me  
how many days I work at  
museum before I was  
transferred to Dalton,  
thanks ....

11:14 AM

Othman ibela

11:14 AM

My dear Boss Patrick, I  
have been trying to  
reach you ,I called your  
office and cellphone but  
unfortunately for me you  
are refusing to respond  
to my calls, thank you  
for your silence ..

6:28 PM

on 11/11/2016 When I went pick up my check, the Chief operating officer of Mg security; Mr Kevin HARRINGTON confirm that I was fired from Dalton and Mg security, according to him its because "I refused to work Fridays therefore Mg security cannot loose their a big account with Dalton just for me..."

\* Mg security gave me two different reasons why they fired me:

\* First, when Mg security was confronted by the department of labor, the defendant claimed that they fired me because I refused to go to work at javits convention center, I refused further work no call and no show." I did respond to Mg security by sending a letter to department of labor (Exhibit I) despite Mg security lies; my UI was granted.

\* Second, When Mg security was confronted by my former lawyers; the defendant falsely accused me of stealing the hours from his client the Dalton and according to the defendant that's why fired me.

01/24/2017

Othman Ibela

P.O. Box 165

New York, NY 10018

SSN: ~~XXXXXXXXXX~~

(Exhibit I)

Attention of: Rebecca Baker / New York State  
Department of Labor

I am persuaded that you could not be surprised to receive this letter from me. I would like to notify you that when I went to pick up my last check on 11/11/2016 the MG security receptionist told me that I was no longer active as security officer for MG security since 10/27/2016. Today, I found ambiguity that MG security is accusing me to refuse a job offer meantime I used to be happy to work overtime (~~Exhibit~~).

Mr Patrick sent me at Whitney Museum and at the Dalton School, I went there and I did my duty. (~~Exhibit~~). After Mr Kevin Harrington fired me, Mr Patrick sent me a goodbye message where he stated that; "Thank you Othman it's been a pleasure to work with us". I do have all the conversation between MG security Management and me on my cell phone ...

Sincerely yours





# **EQUAL EMPLOYMENT OPPORTUNITY COMMISSION INTAKE QUESTIONNAIRE**

Please immediately complete the entire form and return it to the U.S. Equal Employment Opportunity Commission ("EEOC"). **REMEMBER**, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 180 days or in some places 300 days of the alleged discrimination. Upon receipt, this form will be reviewed to determine EEOC coverage. **Answer all questions as completely as possible, and attach additional pages if needed to complete your response(s). If you do not know the answer to a question, answer by stating "not known."** If a question is not applicable, write "n/a." Please Print.

## **1. Personal Information**

Last Name: Ibela First Name: OTHMAN MI: \_\_\_\_\_  
 Street or Mailing Address: P.O. Box 165 Apt Or Unit #: \_\_\_\_\_  
 City: New York County: \_\_\_\_\_ State: Ny ZIP: 10018  
 Phone Numbers: Home: (\_\_\_\_) \_\_\_\_\_ Work: (\_\_\_\_) \_\_\_\_\_  
 Cell: (347) 303-4270 Email Address: motherlandcorporation@gmail.com  
 Date of Birth: 09/12/1980 Sex: Male ☒ Female ☐ Do You Have a Disability? ☐ Yes ☒ No  
 Please answer each of the next three questions.  
 i. Are you Hispanic or Latino? ☐ Yes ☒ No  
 ii. What is your Race? Please choose all that apply. ☐ American Indian or Alaska Native ☐ Asian ☐ White  
☒ Black or African American ☐ Native Hawaiian or Other Pacific Islander  
 iii. What is your National Origin (country of origin or ancestry)? GABON (center west Africa)  
 Please Provide The Name Of A Person We Can Contact If We Are Unable To Reach You:  
 Name: Simone A. Wilson Relationship: Friend  
 Address: 574 Quincy St City: BROOKLYN State: Ny Zip Code: 11221  
 Home Phone: (\_\_\_\_) \_\_\_\_\_ Other Phone: (646) 331-1976

## **2. I believe that I was discriminated against by the following organization(s): (Check those that apply)**

☒ Employer ☐ Union ☐ Employment Agency ☐ Other (Please Specify) \_\_\_\_\_

**Organization Contact Information** (If the organization is an employer, provide the address where you actually worked. If you work from home, check here ☐ and provide the address of the office to which you reported.) If more than one employer is involved, attach additional sheets.

Organization Name: MG security & Dalton school  
 Address: 133 West 25th Street #8w County: \_\_\_\_\_  
 City: New York State: Ny Zip: 10001 Phone: (212) 242-6477  
 Type of Business: Security Job Location if different from Org. Address: East 87th and 3rd Ave.  
 Human Resources Director or Owner Name: Kevin Harrington Phone: 646-210-6273  
 Number of Employees in the Organization at All Locations: Please Check (v) One  
☐ Fewer Than 15 ☐ 15 - 100 ☐ 101 - 200 ☐ 201 - 500 ☒ More than 500

## **3. Your Employment Data (Complete as many items as you can) Are you a Federal Employee? ☐ Yes ☒ No**

Date Hired: 12/29/2016 Job Title At Hire: Security officer  
 Pay Rate When Hired: \$11 Last or Current Pay Rate: \$13  
 Job Title at Time of Alleged Discrimination: Security officer Date Quit/Discharged: 10/27/2016  
 Name and Title of Immediate Supervisor: Luis A. Despaigme

If Job Applicant, Date You Applied for Job N/A Job Title Applied For N/A

4. What is the reason (basis) for your claim of employment discrimination?

FOR EXAMPLE, if you feel that you were treated worse than someone else because of race, you should check the box next to Race. If you feel you were treated worse for several reasons, such as your sex, religion and national origin, you should check all that apply. If you complained about discrimination, participated in someone else's complaint, or filed a charge of discrimination, and a negative action was threatened or taken, you should check the box next to Retaliation.

☐ Race ☐ Sex ☐ Age ☐ Disability ☐ National Origin ☒ Religion ☐ Retaliation ☐ Pregnancy ☐ Color (typically a difference in skin shade within the same race) ☐ Genetic Information; choose which type(s) of genetic information is involved:  
☐ i. genetic testing ☐ ii. family medical history ☐ iii. genetic services (genetic services means counseling, education or testing)

If you checked color, religion or national origin, please specify: I am a Muslim

If you checked genetic information, how did the employer obtain the genetic information? N/A

Other reason (basis) for discrimination (Explain). N/A

5. What happened to you that you believe was discriminatory? Include the date(s) of harm, the action(s), and the name(s) and title(s) of the person(s) who you believe discriminated against you. Please attach additional pages if needed.  
 (Example: 10/02/06 - Discharged by Mr. John Soto, Production Supervisor)

A) Date: 10/27/2016 Action: Discharged by Mr. Luis A. Despaigre, Director of security  
 Name and Title of Person(s) Responsible: St Dalton school

B) Date: 11/11/2016 Action: Discharged by Mr. Kevin Harrington, MG chief operating  
 Name and Title of Person(s) Responsible: officer

6. Why do you believe these actions were discriminatory? Please attach additional pages if needed.

Please see attach pages

7. What reason(s) were given to you for the acts you consider discriminatory? By whom? His or Her Job Title?

Please see attach pages

8. Describe who was in the same or similar situation as you and how they were treated. For example, who else applied for the same job you did, who else had the same attendance record, or who else had the same performance? Provide the race, sex, age, national origin, religion, or disability of these individuals, if known, and if it relates to your claim of discrimination. For example, if your complaint alleges race discrimination, provide the race of each person; if it alleges sex discrimination, provide the sex of each person; and so on. Use additional sheets if needed.

Of the persons in the same or similar situation as you, who was treated *better* than you?

A. Full Name	Race, sex, age, national origin, religion or disability	Job Title
<u>N/A</u>		
Description of Treatment		
<u>N/A</u>		
B. Full Name	Race, sex, age, national origin, religion or disability	Job Title
<u>N/A</u>		
Description of Treatment		
<u>N/A</u>		

13. Are there any witnesses to the alleged discriminatory incidents? If yes, please identify them below and tell us what they will say. (Please attach additional pages if needed to complete your response)

A. Full Name	Job Title	Address & Phone Number
	N/A	

What do you believe this person will tell us?

B. Full Name	Job Title	Address & Phone Number
	N/A	

What do you believe this person will tell us?

14. Have you filed a charge previously in this matter with EEOC or another agency? Yes ☒ No ☐

15. If you have filed a complaint with another agency, provide name of agency and date of filing:

N/A

16. Have you sought help about this situation from a union, an attorney, or any other source? Yes ☒ No ☐

Provide name of organization, name of person you spoke with and date of contact. Results, if any?

my prior lawyer Mr Ismael S. Sekendiz indicated that the defendants want to try to enter into a non-disclosure agreement (Sekendiz law firm P.C Tel: (812) 380-8087). Mr Joshua Friedman a civil rights law firm is willing to take the case, Tel: 1-888-369-1119 ext. 3

Please check one of the boxes below to tell us what you would like us to do with the information you are providing on this questionnaire. If you would like to file a charge of job discrimination, you must do so either within 180 days from the day you knew about the discrimination, or within 300 days from the day you knew about the discrimination if the employer is located in a place where a state or local government agency enforces laws similar to the EEOC's laws. If you do not file a charge of discrimination within the time limits, you will lose your rights. If you would like more information before filing a charge or you have concerns about EEOC's notifying the employer, union, or employment agency about your charge, you may wish to check Box 1. If you want to file a charge, you should check Box 2.

Box 1 ☐ I want to talk to an EEOC employee before deciding whether to file a charge. I understand that by checking this box, I have not filed a charge with the EEOC. I also understand that I could lose my rights if I do not file a charge in time.

Box 2 ☒ I want to file a charge of discrimination, and I authorize the EEOC to look into the discrimination I described above. I understand that the EEOC must give the employer, union, or employment agency that I accuse of discrimination information about the charge, including my name. I also understand that the EEOC can only accept charges of job discrimination based on race, color, religion, sex, national origin, disability, age, genetic information, or retaliation for opposing discrimination.

Othman Hela

Signature

07/25/2017

Today's Date

**PRIVACY ACT STATEMENT:** This form is covered by the Privacy Act of 1974: Public Law 93-579. Authority for requesting personal data and the uses thereof are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Intake Questionnaire (9/20/08).
2. **AUTHORITY.** 42 U.S.C. § 2000e-5(b), 29 U.S.C. § 211, 29 U.S.C. § 626, 42 U.S.C. 12117(a), 42 USC §2000ff-6.
3. **PRINCIPAL PURPOSE.** The purpose of this questionnaire is to solicit information about claims of employment discrimination, determine whether the EEOC has jurisdiction over those claims, and provide charge filing counseling, as appropriate. Consistent with 29 CFR 1601.12(b) and 29 CFR 1626.8(c), this questionnaire may serve as a charge if it meets the elements of a charge.
4. **ROUTINE USES.** EEOC may disclose information from this form to other state, local and federal agencies as appropriate or necessary to carry out the Commission's functions, or if EEOC becomes aware of a civil or criminal law violation. EEOC may also disclose information to respondents in litigation, to congressional offices in response to inquiries from parties to the charge, to disciplinary committees investigating complaints against attorneys representing the parties to the charge, or to federal agencies inquiring about hiring or security clearance matters.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION.** Providing of this information is voluntary but the failure to do so may hamper the Commission's investigation of a charge. It is not mandatory that this form be used to provide the requested information.





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**New York District Office**

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
For General Information: (800) 669-4000  
District Office: (212) 336-3620  
General FAX: (212) 336-3625

August 3, 2017

Respondent: MG Security & Dalton School  
EEOC Charge No.: 520-2017-02278

Othman Ibela  
P.O. Box 165  
New York, NY 10018

Dear Mr. Ibela:

This is with reference to your recent written correspondence or intake questionnaire in which you alleged employment discrimination by the above-named respondent. The information provided indicates that the matter complained of is subject to the statute(s) checked off below:

- ☐ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☐ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)

Because the document that you submitted to us constitutes a charge of employment discrimination, including your indication that you intended to file a charge, we have complied with the law and notified the employer that you filed a charge.

A review of the information you submitted to us, however, does not lead us to conclude that an investigation into your allegations would result in a finding that Respondent violated one of the federal laws that the EEOC enforces. Therefore, your charge of discrimination will be dismissed immediately, and no further action will be taken by the EEOC regarding your charge.

Sincerely,

A handwritten signature in cursive script, appearing to read "Orfelino Genao", is written over a horizontal line.

Orfelino Genao  
Investigator

The U.S. Equal Employment Opportunity Commission

NOTICE OF APPEAL/PETITION  
TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

OFFICE OF FEDERAL OPERATIONS

P.O. Box 77960

Washington, DC 20013

**Complainant Information:** (Please Print or Type)

Complainant's name (Last, First, M.I.):	OTHMAN Ibela
Home/mailling address:	P.O. Box 165
City, State, ZIP Code:	New York, NY 10018
Daytime Telephone # (with area code):	347-303-4270
E-mail address (if any):	motherlandcorporation@gmail.com

**Attorney/Representative Information (if any):**

Attorney name:	
Non-Attorney Representative name:	Joshua Friedman
Address:	1050 SEVEN Oaks Lane
City, State, ZIP Code:	Mamaroneck, NY 10543
Telephone number (if applicable):	1-888-369-1119 Ext. 3
E-mail address (if any):	joshua.friedman@esq.com

**General Information:**

Name of the agency being charged with discrimination:	MG security & Dalton school
Identify the Agency's complaint number:	520-2017-02278
Location of the duty station or local facility in which the complaint arose:	Dalton school
Has a <b>final action</b> been taken by the agency, an Arbitrator, FLRA, or MSPB on this complaint?	<input checked="" type="checkbox"/> Yes; Date Received <u>08/11/17</u> (Remember to attach a copy) <input type="checkbox"/> No <input type="checkbox"/> This appeal alleges a breach of settlement agreement
Has a complaint been filed on this same matter with the EEOC, another agency, or through any other administrative or collective bargaining procedures?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (Indicate the agency or procedure, complaint/docket number, and attach a copy, if appropriate)

Has a civil action (lawsuit) been  
filed in connection with this  
complaint?

☒ No  
☐ Yes (Attach a copy of the civil action filed)

**NOTICE:** Please attach a copy of the final decision or order from which you are appealing. If a hearing was requested, please attach a copy of the agency's final order and a copy of the EEOC Administrative Judge's decision. Any comments or brief in support of this appeal **MUST** be filed with the EEOC **and** with the agency **within 30 days** of the date this appeal is filed. The date the appeal is filed is the date on which it is postmarked, hand delivered, or faxed to the EEOC at the address above.

Signature of complainant or  
complainant's representative:

*Othman Ibela*

Date:

*08/13/2017*

EEOC Form 573 REV 1/01

## PRIVACY ACT STATEMENT

(This form is covered by the Privacy Act of 1974. Public Law 93-597. Authority for requesting the personal data and the use thereof are given below.)

- 1. FORM NUMBER/TITLE/DATE:** EEOC Form 573, Notice of Appeal/Petition, January 2001
- 2. AUTHORITY:** 42 U.S.C. § 2000e-16
- 3. PRINCIPAL PURPOSE:** The purpose of this questionnaire is to solicit information to enable the Commission to properly and efficiently adjudicate appeals filed by Federal employees, former Federal employees, and applicants for Federal employment.
- 4. ROUTINE USES:** Information provided on this form will be used by Commission employees to determine: (a) the appropriate agency from which to request relevant files; (b) whether the appeal is timely; (c) whether the Commission has jurisdiction over the issue(s) raised in the appeal, and (d) generally, to assist the Commission in properly processing and deciding appeals. Decisions of the Commission are final administrative decisions, and, as such, are available to the public under the provisions of the Freedom of Information Act. Some information may also be used in depersonalized form as a data base for statistical purposes.
- 5. WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** Since your appeal is a voluntary action, you are not required to provide any personal information in connection with it. However, failure to supply the Commission with the requested information could hinder timely processing of your case, or even result in the rejection or dismissal of your appeal.

Send your appeal to:

The Equal Employment Opportunity Commission  
Office of Federal Operations  
P.O. Box 77960  
Washington, D.C. 20013

# Transmission Log

OLNY CONNECT

Sunday, 2017-08-13 22:44

347 3183536

Date	Time	Type	Job #	Length	Speed	Station Name/Number	Pgs	Status
2017-08-13	22:42	SCAN	15908	1:10	14400	8667315553	3	OK -- V.17 1M31

OTHMAN IBELA  
P.O.BOX 165  
NEW YORK, NY 10018  
TEL: 347-303-4270  
Email: motherlandcorporation@gmail.com

08/13/2017

The Equal Employment Opportunity Commission  
Office of Federal Operations  
P.O.BOX 77960  
Washington, D.C. 20013

Reference : 520-2017-02278

Before I commence I would like to say that the real enemy of United States of America are those who ignore or misinterpret the USA constitution ...

I did contact EEOC New York District office because I have been fired when I requested fridays off, as a Muslim the fridays is the day that over 2 billion MUSLIM around the world gathering for worship GOD.


I sent to EEOC New York District all the document necessary to start investigated my allegations but unfortunately for me Mr Genao the investigator who was assigned to my case refused to investigated my allegations, ( please see a copy of his letter ).

1- Mr Genao the EEOC investigator failed to obtain the information on the both sides that could help him to come up with a right decision .

2- Mr Genao the EEOC investigator failed to ask my former employer to provide a written answer to my allegations also called "**a respondent's position statement**". instead Mr Genao did choose to make his decision base only to the document that I sent to him.

I am going to including in this letter the same documents that I sent to EEOC New York District and I am respectfully request you to appeal the decision made by Mr Genao the EEOC Investigator of New York District ...

Sincerely



OTHMAN IBELA

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Othman Ibela**  
**Po Box 165**  
**New York, NY 10018**

From: **New York District Office**  
**33 Whitehall Street**  
**5th Floor**  
**New York, NY 10004**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

**520-2017-02278**

**Orfelino Genao,**  
**Investigator**

**(212) 336-3642**

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

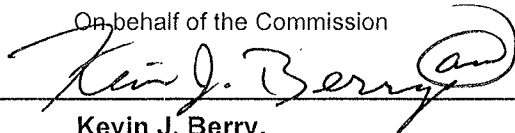
## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
**Kevin J. Berry,**  
**District Director**

8-31-2017

(Date Mailed)

Enclosures(s)

cc:

**Kevin Harrington**  
**Human Resource Director**  
**133 West 25th Street**  
**Suite 8w**  
**New York, NY 10001**

1) My name / age / national origin / How I came to America;

⇒ My name is Othman Ibela, I was born in GABON (Center West Africa), I am 37 years old, I came in USA to continue my education in order to obtain my doctorat in medecine.

2) When I was hired;

⇒ I was hired 03/07/2016; (Exhibit A) but I started to work on 03/10/2016; (Exhibit B).

3) Who hired me;

⇒ Mr Luis Rivera

4) What was my responsibilities;

⇒ I was hired as security officer my Responsibilities was to ensuring the safety and security of all visitors and property.

5) What was the initial agreement for religious accommodation - What was the understanding for Friday schedule;

⇒ I spoke Verbally to Mr Luis Rivera Concerning Friday off, I explained to him that Friday is the day that over Billion of Muslims around the world gathering together to worship God, but Mr Luis Rivera respond that; " He was training me and



when I will have an permanent schedule; I will be able to request for Fridays off ..."  
 during my first week of training I did not work Fridays  
 (Exhibit C)

6) Who (name/title) approved my religious accommodation,

➔ After my training I was transfer to another account Manager Mr Patrick Buellette who approved my religious accommodation and gave me permanent schedule (Exhibit D), despite that my religious accommodation was approved by Mr Patrick Buellette; they continue to force me to work Fridays; (Exhibit E).

7) Dates that I worked for Whitney;

➔ I believe that I start to work for Whitney Museum around 02/29/2016 to 10/17/2016

8) Date that I was assigned to Dalton;

➔ I believe that I was assigned at Dalton on 10/17/2016

9) Why I was assigned to Dalton;

➔ According to Mg security I was one of the best worker (Exhibit F) and Mg Security knew I am able to pass the background check

10) When I was told that I was on schedule for Fridays;

→ On my first day at Dalton I was told that I was on schedule for Fridays; (Exhibit G)

11) When did I request accommodation for Fridays;

→ During my first day at Dalton I requested for accommodation for Fridays

12) When they refused accommodation for Fridays;

→ They refused accommodation for Fridays during my first day; during the end of my first week and during my second week

13) When/How was I fired / who fired me / and what reasons they gave me :

→ I was fired during my second week at Dalton on or about October 27, 2016; I went to see the Director of security at Dalton Mr. Luis A. Despaigme and I requested Fridays off; Mr. Despaigme refused my request, and decided to fire me, after I was fired from Dalton school. I placed numerous phone calls to Mr. security in order to inform Mr. of my situation, However, no one from Mr. returned my phone calls (Exhibit H)



on 11/11/2016 When I went pick up my check, the Chief operating officer of Mg security; Mr Kevin HARRINGTON confirm that I was fired from Dalton and Mg security, according to him its because "I refused to work Fridays therefore Mg security cannot loose their a big account with Dalton just for me..."

\* Mg security gave me two different reasons why they fired me:

\* First, when Mg security was confronted by the department of labor, the defendant claimed that "they fired me because I refused to go to work at javito convention center, I refused further work no call and no show." I did respond to Mg security by sending a letter to department of labor (Exhibit 1) despite Mg security lies; my UI was granted.

\* Second, When Mg security was confronted by my former lawyers; the defendant falsely accused me of stealing the hours from his client the Dalton and according to the defendant that's why fired me.